

IN THE UNITED STATES DISTRICT COURT

DISTRICT OF MASSACHUSETTS

GLASS DIMENSIONS, INC. ON BEHALF))	
OF THE GLASS DIMENSIONS, INC.)	Case No. 1:10-cv-10588 (JLT)
PROFIT SHARING PLAN AND TRUST,)	
and all others similarly situated,)	
)	
Plaintiffs,)	ORAL ARGUMENT REQUESTED
)	
vs.)	
)	
STATE STREET BANK AND TRUST)	
COMPANY,)	
)	
Defendant.)	
)	

DEFENDANT’S MOTION TO DISMISS THE COMPLAINT

Pursuant to Rules 8 and 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure, Defendant State Street Bank & Trust Company (“Defendant”) respectfully moves that this Court grant the Defendant’s Motion to Dismiss the Class Action Complaint (“Complaint”).

As set forth in the Memorandum of Law in Support of Defendant’s Motion to Dismiss the Complaint, and the supporting Declaration of Dawn M. Wilson, dated July 23, 2010, Plaintiff’s claims should be dismissed for the following reasons:

- i) Plaintiff lacks Article III standing because it has not suffered an injury-in-fact;
- ii) The Complaint is moot; and
- iii) The Complaint fails adequately to state a claim that Defendant violated ERISA Sections 404 and 406.

WHEREFORE, for the reasons set forth more fully in Defendant’s Memorandum of Law, Defendant requests that the Court dismiss the Complaint.

REQUEST FOR ORAL ARGUMENT

Defendant believes that oral argument may assist the Court in deciding the issues presented by this motion. Defendant accordingly requests a hearing pursuant to Local Rule 7.1(D).

Dated: July 23, 2010

Respectfully submitted,

/s/ Lori A. Martin_____

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CERTIFICATE OF SERVICE

I hereby certify that on July 23, 2010, I caused a copy of this Document to be served electronically, via the electronic filing system, on the registered participants as identified on the Notice of Electronic Filing (NEF) and by first-class mail on those indicated as non-registered participants.

/s/ Lori A. Martin

Lori A. Martin